

E-filed 9/10/07

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Attorneys for Plaintiffs,
CAPITOL RECORDS, INC.; UMG
RECORDINGS, INC.; SONY BMG
MUSIC ENTERTAINMENT; ARISTA
RECORDS LLC; BMG MUSIC; and
WARNER BROS. RECORDS INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CAPITOL RECORDS, INC., a Delaware
corporation; UMG RECORDINGS, INC., a
Delaware corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; ARISTA RECORDS LLC, a
Delaware limited liability company; BMG
MUSIC, a New York general partnership; and
WARNER BROS. RECORDS INC., a Delaware
corporation,

Plaintiffs,

v.

MARILYN POWELL,
Defendant.

CASE NO. C-07-1453-JF

Honorable Jeremy Fogel

***EX PARTE* APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

Plaintiffs hereby request that the Court continue the case management conference currently set for September 14, 2007, at 10:30 a.m. to November 16, 2007. Plaintiffs filed the Complaint against Defendant on March 13, 2007. Defendant was served with the summons and complaint on June 19, 2007, by personal service. Defendant failed to answer or otherwise respond to the complaint. The clerk of this Court entered default against Defendant on August 22, 2007. Plaintiffs are currently in the process of preparing their motion for default judgment by the Court. A case management conference is therefore unnecessary at this time. Plaintiffs therefore request that the Court continue the case management conference currently set for September 14, 2007, at 10:30 a.m. to November 16, 2007.

Dated: September 4, 2007

HOLME ROBERTS & OWEN LLP

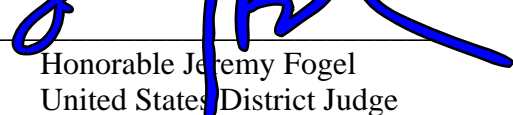
By: /s/ Matthew Franklin Jaksa
Matthew Franklin Jaksa
Attorney for Plaintiffs

ORDER

Good cause having been shown:

IT IS ORDERED that the Case Management conference currently scheduled for September 14, 2007, at 10:30 a.m. is hereby continued to November 16, 2007.

Dated: 9/10/07

By: 
Honorable Jeremy Fogel
United States District Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

I am employed in the office of Holme Roberts & Owen in San Francisco, California. I am over the age of eighteen years and not a party to the within action. My business address is 560 Mission Street, 25th Floor, San Francisco, CA 94105.

On September 4, 2007, I served the foregoing documents described as:

**EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND
[PROPOSED] ORDER**

on the interested party in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

**Marilyn Powell
P.O. Box 1177
Whiteriver, AZ 85941**

XX BY MAIL: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

XX (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 4, 2007 at San Francisco, California.

Molly Morris